

# 2003 DRAFTING REQUEST

## Bill

Received: 10/15/2003

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Tony Staskunas (608) 266-0620

By/Representing: Adrienne Ramirez

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Munis - miscellaneous  
Counties - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Staskunas@legis.state.wi.us

Carbon copy (CC:) to:

## Pre Topic:

No specific pre topic given

## Topic:

Change the public countracts minimum bid requirements for municipalities and counties

## Instructions:

Change min. bidding requirment from \$15,000 to \$30,000

## Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 12/10/2003	wjackson 12/10/2003					S&L
/1			rschluet 12/10/2003		lnorthro 12/10/2003	lemery 03/03/2004	

FE Sent For:

At  
intro

<END>

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***LRB-3847***

12/10/2003 03:40:37 PM  
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FE Sent For:

**<END>**

12/10/2003 10:46:29 AM

Page 1

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1?	mshovers	1 wj 12/10					
11 MES		12/10/03					

FE Sent For:

**END**



# ANTHONY J. STASKUNAS

STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

## Memorandum

October 9, 2003

To: Legislative Reference Bureau Drafters

From: Adrienne Ramirez, office of Rep. Tony Staskunas

Re: Drafting request for several different proposals

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Rep. Staskunas served on the Task Force on State and Local Government, also referred to as the Sheehy Commission. The task force worked for several months on fiscal and governance reforms. The following seven legislative draft ideas mainly come from the task force recommendations. I have attached an issue paper, letter or article for each of these proposals.

1. Simplify statutes governing changes in boundaries and municipal relationships. This is a three-part proposal outlined on Issue #3.
2. Establish time limits for DOA to decide on incorporating, consolidating and merging towns. This proposal is also on Issue #3.
3. Revise the Tax Incremental Financing law to allow for multi-jurisdictional TIF projects. Limited information on this proposal is on Issue #4
4. Increase the threshold from \$15,000 to \$30,000 in competitive bidding.
5. Change the current TIF law to allow increased sales tax receipts generated within the TIF District to be utilized to retire TIF debt in the same fashion as increased property taxes are currently utilized. This provision would only apply to existing redevelopment areas. I have included a December 20, 2002 letter from William Mielke outlining this proposal along with an article.
6. Simplify consolidation of municipalities in Section 66.0229. Information on this proposal is on Issue 6.
7. Establish a 'Waiver Committee' to review state mandates. Municipalities would come before this committee if they wanted to change the way they carried out state mandates. Information on this proposal is on Issue #5.

If you have questions regarding these requests, please don't hesitate to contact me.

## 2003 BILL

-3847/1  
RMNR

1 AN ACT *to renumber and amend* 38.18 and 43.17 (9) (a); *to amend* 59.52 (29)  
2 (a), 60.47 (2) (a), 60.47 (2) (b), 61.55 and 62.15 (1); and *to create* 38.18 (2) and  
3 43.17 (9) (a) 2. of the statutes; **relating to:** changing the amount at which a  
4 public construction contract let by a city, village, town, or county must be let to  
5 the lowest responsible bidder.

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***Analysis by the Legislative Reference Bureau***

In general, under current law, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$15,000 may be let by a municipality (second, third, or fourth class city, or a village or town), the municipality's governing body must give a class 1 notice of the proposed construction. Also under current law, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$25,000 may be let by a county, the county board must give a class 1 notice of the proposed construction. Before a contract for public construction with a value that exceeds \$15,000, or that exceeds \$25,000 in the case of a county, may be let by a municipality, certain other requirements, such as a lowest responsible bidder requirement, must be met.

The common council of a city, by a three-fourths vote of its membership, may also authorize the city itself to perform any class of public construction without asking for the submission of bids. A county board, by a three-fourths vote of its membership, may also authorize the county itself to perform any class of public work if the estimated cost of the work exceeds \$25,000.

**BILL**

technical college district  
boards and  
federated public library systems  
LRB-3011/1  
MES:wjl:rs

Generally under current law, the public construction contracting requirements that apply to a city also apply to a technical college district board and a federated public library system.

~~\$30,000~~  
Under this bill, for cities, villages, ~~and~~ towns, the minimum bid amount of \$15,000, and for counties, the minimum bid amount of \$25,000, that triggers requirements such as a lowest responsible bidder requirement is increased to ~~\$30,000~~. This bill does not change the minimum bid requirements for a technical college district board or a federated public library system.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 **SECTION 1.** 38.18 of the statutes is renumbered 38.18 (1) and amended to read:

2 38.18 (1) All contracts made by a district board for public construction in a  
3 district shall be let by the district board to the lowest responsible bidder in  
4 accordance with s. 62.15 (1) to (11) and (14), except as provided in sub. (2). For  
5 purposes of this section, the district board shall possess the powers conferred by s.  
6 62.15 on the board of public works and the common council. All contracts made under  
7 this section shall be made in the name of the district and shall be executed by the  
8 district board chairperson and district board secretary.

9 **SECTION 2.** 38.18 (2) of the statutes is created to read:

10 38.18 (2) Notwithstanding the dollar amounts listed in s. 62.15 (1), the dollar  
11 amounts in this subsection, and not the dollar amounts specified for cities in s. 62.15  
12 (1), apply to public construction in a district. All public construction, the estimated  
13 cost of which exceeds \$15,000, shall be let by contract to the lowest responsible  
14 bidder; all other public construction shall be let as the district board may direct. If  
15 the estimated cost of any public construction exceeds \$5,000 but is not greater than  
16 \$15,000, the district board shall give a class 1 notice, under ch. 985, of the proposed  
17 construction before the contract for the construction is executed. This provision does

**BILL**

1 not apply to public construction if the materials for the project are donated or if the  
2 labor for the project is provided by volunteers.

3 **SECTION 3.** 43.17 (9) (a) of the statutes is renumbered 43.17 (9) (a) 1. and  
4 amended to read:

5 43.17 (9) (a) 1. All contracts for public construction made by a federated public  
6 library system whose territory lies within 2 or more counties or by a federated public  
7 library system whose territory lies within a single county with a population of at least  
8 500,000 shall be let by the public library system board to the lowest responsible  
9 bidder in accordance with s. 62.15 (1) to (11) and (14), except as provided in subd. 2.  
10 For purposes of this section, the system board possesses the powers conferred by s.  
11 62.15 on the board of public works and the common council. All contracts made under  
12 this section shall be made in the name of the federated public library system and  
13 shall be executed by the system board president and such other board officer as the  
14 system board designates.

15 **SECTION 4.** 43.17 (9) (a) 2. of the statutes is created to read:

16 43.17 (9) (a) 2. Notwithstanding the dollar amounts listed in s. 62.15 (1), the  
17 dollar amounts in this subdivision, and not the dollar amounts specified for cities in  
18 s. 62.15 (1), apply to public construction in a federated public library system. All  
19 public construction, the estimated cost of which exceeds \$15,000, shall be let by  
20 contract to the lowest responsible bidder; all other public construction shall be let as  
21 the system board may direct. If the estimated cost of any public construction exceeds  
22 \$5,000 but is not greater than \$15,000, the system board shall give a class 1 notice,  
23 under ch. 985, of the proposed construction before the contract for the construction  
24 is executed. This provision does not apply to public construction if the materials for  
25 the project are donated or if the labor for the project is provided by volunteers.

**BILL**

SECTION 5. 59.52 (29) (a) of the statutes is amended to read:

59.52 (29) (a) All public work, including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000 <sup>\$30,000</sup> ~~\$100,000~~ shall be let by contract to the lowest responsible bidder. Any public work, the estimated cost of which does not exceed \$25,000 <sup>\$30,000</sup> ~~\$100,000~~, shall be let as the board may direct. If the estimated cost of any public work is between \$5,000 and \$25,000 <sup>\$30,000</sup> ~~\$100,000~~, the board shall give a class 1 notice under ch. 985 before it contracts for the work or shall contract with a person qualified as a bidder under s. 66.0901 (2). A contract, the estimated cost of which exceeds \$25,000 <sup>\$30,000</sup> ~~\$100,000~~, shall be let and entered into under s. 66.0901, except that the board may by a three-fourths vote of all the members entitled to a seat provide that any class of public work or any part thereof may be done directly by the county without submitting the same for bids. This subsection does not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers. This subsection does not apply to highway contracts which the county highway committee or the county highway commissioner is authorized by law to let or make.

SECTION 6. 60.47 (2) (a) of the statutes is amended to read:

60.47 (2) (a) No town may enter into a public contract with an estimated cost of more than \$5,000 but not more than \$15,000 <sup>\$100,000</sup> ~~\$100,000~~ unless the town board, or a town official or employee designated by the town board, gives a class 1 notice under ch. 985 before execution of that public contract.

SECTION 7. 60.47 (2) (b) of the statutes is amended to read:

## BILL

\$30,000

1           60.47 (2) (b) No town may enter into a public contract with a value of more than  
2     \$15,000 ~~\$100,000~~ unless the town board, or a town official or employee designated  
3     by the town board, advertises for proposals to perform the terms of the public  
4     contract by publishing a class 2 notice under ch. 985. The town board may provide  
5     for additional means of advertising for bids.

6           SECTION 8. 61.55 of the statutes is amended to read: <sup>(B)</sup> ~~\$15,000~~ <sup>\$30,000</sup>

7           **61.55 Contracts involving over \$15,000 \$100,000 how let; exception.** All  
8     contracts for public construction, in any such village, exceeding \$15,000 ~~\$100,000~~,  
9     shall be let by the village board to the lowest responsible bidder in accordance with  
10    s. 66.0901 insofar as said section may be applicable. If the estimated cost of any  
11    public construction exceeds \$5,000, but is not greater than \$15,000 ~~\$100,000~~, the  
12    village board shall give a class 1 notice, under ch. 985, of the proposed construction  
13    before the contract for the construction is executed. This provision does not apply to  
14    public construction if the materials for such a project are donated or if the labor for  
15    such a project is provided by volunteers, and this provision and s. 281.41 are not  
16    mandatory for the repair and reconstruction of public facilities when damage or  
17    threatened damage thereto creates an emergency, as determined by resolution of the  
18    village board, in which the public health or welfare of the village is endangered.  
19    Whenever the village board by majority vote at a regular or special meeting declares  
20    that an emergency no longer exists, this exemption no longer applies.

21           SECTION 9. 62.15 (1) of the statutes is amended to read:

22           **62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR.** All  
23    public construction, the estimated cost of which exceeds \$15,000 ~~\$100,000~~, shall be  
24    let by contract to the lowest responsible bidder; all other public construction shall be  
25    let as the council may direct. If the estimated cost of any public construction exceeds

**BILL**\$30,000

1 \$5,000 but is not greater than ~~\$15,000~~ ~~\$100,000~~, the board of public works shall give  
2 a class 1 notice, under ch. 985, of the proposed construction before the contract for  
3 the construction is executed. This provision does not apply to public construction if  
4 the materials for such a project are donated or if the labor for such a project is  
5 provided by volunteers. The council may also by a vote of three-fourths of all the  
6 members-elect provide by ordinance that any class of public construction or any part  
7 thereof may be done directly by the city without submitting the same for bids.

**SECTION 10. Initial applicability.**

9 (1) This act first applies to public construction contracts that are let on the  
10 effective date of this subsection.

11 (END)

**Emery, Lynn**

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**From:** Ramirez, Adrienne  
**Sent:** Wednesday, March 03, 2004 3:19 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-3847/1 Topic: Change the public contracts minimum bid requirements for municipalities and counties

It has been requested by <Ramirez, Adrienne> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3847/1 Topic: Change the public contracts minimum bid requirements for municipalities and counties